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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5303/2020**

MS. KANTI MISHRAPetitioner
Through: Mr Deepak Pathak and Mr
Satyanarayan, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION
(NDMC) THROUGH COMMISSIONER Respondent
Through: Mr Sanjeev Sabharwal, Advocate for
NDMC.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **17.08.2020**

The hearing was conducted through video conferencing.

CM 19166/2020 (Exemption)

1. Allowed, subject to all just exceptions. The application stands disposed-off.

W.P.(C) 5303/2020 & CM 19165/2020 (stay)

2. Issue notice.
3. Notice is accepted by the learned counsel named above for the respondent/North Delhi Municipal Corporation ('NDMC'), to whom let an e-copy of the petition be supplied, during the day.
4. At the request of learned counsel for the parties, the petition is taken up for disposal.
5. The petitioner in this petition seeks the following reliefs:

"...[A] Issue a writ of mandamus or certiorari or any other appropriate writ/order/direction to Respondent NDMC Karolbagh Zone to stop forthwith any action of the

demolition purported to have been taken/contemplated against the Petitioner pertaining to the property bearing no. 1/13/232- Block B, Ashok Niketan, DDA Residential Scheme. Naraina Vihar, New Delhi 110028 ("Said property/subject property") and;

[B] Issue a writ of mandamus or certiorari or any other appropriate writ/order/direction to Respondent NDMC directing thereby to issue a Notice showing the details a of alleged violation and consider the reply to be filed against the same by the Petitioner to the said Notice and pass speaking and reasoned order thereon before taking any action against the demolition in the subject property; passing any reasoned..."

6. The petitioner is apprehensive that her property may be demolished by the Corporation, without following due process of law. She also claims that she should be treated at par with the other similarly placed persons in the neighbourhood.
7. In the circumstances, this petition shall be treated as the petitioner's representation to the Corporation. She shall be heard within two weeks from today. The Corporation's decision on her representation shall be communicated to the petitioner within two weeks thereafter, providing her further two weeks to carry out rectification(s), if any. In case the petitioner is aggrieved by the decision of the Corporation, she may pursue appropriate legal remedies.
8. Till a decision is taken by the Corporation, no precipitate action shall be taken against the petitioner and apropos her aforesaid property, except for the removal of encroachment from public land/street.
9. The petition, along with the pending application, stands disposed-off in the above terms.

10.The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 17, 2020/rd